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| 42  | (1947)     | :3.1.1.1 |
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| 117 |            | :2.1     |
| 120 | (WTO)      | :1.2.1   |
| 120 | (WTO)      | :1.1.2.1 |
| 123 |            | :2.1.2.1 |
| 131 |            | :3.1.2.1 |

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| 137 |            | :2.2.1   |
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| 143 |            | :1.3.2.1 |
| 144 |            | :2.3.2.1 |
| 150 |            | :3.3.2.1 |
| 160 |            | :4.3.2.1 |
| 167 |            | :4.2.1   |
| 168 |            | :1.4.2.1 |
| 171 |            | :2.4.2.1 |
| 174 |            | :3.4.2.1 |
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| 179 |            | :5.4.2.1 |
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| 228 | (OPEC) ( ) | :2.2     |
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| 230 |            | :1.1.2.2 |

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| 256 | :4.2.2.2 |
| 263 | :3.2.2   |
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| 317 | :1.3.2   |
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| 324 | :1.2.3.2 |
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**Abstract:**  
**Conflicting Obligations of Member States**  
**of the Organization of Petroleum Exporting Countries (OPEC) and the**  
**World Trade Organization (WTO)**  
**(Legal study)**

**Leila Laabidi Mamine**  
**Mu'tah University, (2010)**

Principles of free international trade have spread out as a result of both The General Agreement of Trade and Tariffs (GATT) in (1947) and the World Trade Organization (WTO) in (1994). Trade Freedom then helps in opening markets and removing all restrictions on import and export activities of most sectors.

The membership in (OPEC) as well as to the willingness of The non-member countries, to accede to this organization have given a legal problem concerning the status of these countries, and their ability to execute the international imposed obligations by both organizations.

The study aims to identify the policy of both the (WTO) and the (OPEC), and then discuss the most important accusations and defenses that are related to the membership of both organizations.

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<http://www.un.org/ar/aboutun/> :

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<http://web.worldbank.org/WBSITE/EXTERNAL/EXTARABICHOME/EXTABOUTUSARABIC/>  
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<http://www.imf.org/external/arabic/np/exr/facts/glancea.htm> :

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<http://www.imf.org/external/pubs/ft/aa/ara/index.pdf> :

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<http://www.un.org/ar/documents/charter/chapter10.shtml>

<http://www.un.org/ar/ecosoc>

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(The General Agreement on Tariffs and Trade "GATT")

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(The World Trade Organization "WTO")

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(<sup>2</sup>) John H. Jackson, (2001), the WTO 'Constitution' and Proposed Reforms: Seven 'Mantras' Revisited, 4 j. INT'L ECON. L. 67-68.

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[http://www.wtoarab.org/Arabic\\_Country\\_Members.aspx?&lang=ar](http://www.wtoarab.org/Arabic_Country_Members.aspx?&lang=ar)



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(<sup>1</sup>) The IEA is an autonomous agency established in (1974) and based in Paris. The main IEA decision-making body is the Governing Board, composed of energy ministers from each member country or their senior representatives.

A Secretariat, with a staff of energy experts recruited on a competitive basis primarily from OECD member countries, supports the work of the Governing Board and subordinate bodies. The IEA Secretariat is headed by an Executive Director appointed by the Governing Board.

The IEA Secretariat collects and analyses energy data, organizes high-level workshops with world experts on new topics and themes, assesses member and non-member countries domestic energy policies and programmes, makes global energy projections based on differing scenarios, and prepares studies and concrete policy recommendations for governments on key energy topics, See:

<http://www.iea.org/about/docs/iea2008.pdf>

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<http://www.aawsat.com/leader.asp?section=3&article=32620&issueno=8157>

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[www.arablawnfo.com](http://www.arablawnfo.com)

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<http://www.lifeandlaw.net/gatt.htm> : 3

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(Multilateral Trade Organization "MTO")

(The General

" Agreement on Trade in Service "GATS")

(The Agreement on Trade Related Aspects of

Intellectual Property Rights "TRIPS").<sup>(2)</sup>

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(<sup>1</sup>) See: General Agreement on Tariffs and Trade, Signed  
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at: <http://www.wto.org/>

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[www.wto.org](http://www.wto.org)

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[http://slconf.uaeu.ac.ae/prev\\_conf/2004/dradelalsun.pdf](http://slconf.uaeu.ac.ae/prev_conf/2004/dradelalsun.pdf)

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<http://blogs-> :

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[static.maktoob.com/userFiles/f/\\_/f\\_shakshouki/office/](http://static.maktoob.com/userFiles/f/_/f_shakshouki/office/)

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|        | .25-24 | : | ( <sup>2</sup> ) |
|        | .398   | : | ( <sup>3</sup> ) |
| (1965) |        |   | ( <sup>4</sup> ) |
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(<sup>1</sup>)

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138  
.452-440

(1994 1947 )

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**(1986-1947) :1.2.1.1**

(" ")

<sup>(1)</sup>**(1962) (1947) :1.1.2.1.1**

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**(Geneva Round) :**

**(23) (1947)**

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: <sup>(1)</sup>

<http://www.wto.org> : 402-399

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(1947)

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**(Annecy Round)** ( )

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(<sup>1</sup>) Raj Bhala, (2007), International Trade Law: Interdisciplinary Theory and Practice, Lexisnexis, Third Edition, P 9.



(1949) " "

(1) (33)

.(1947) " "  
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**(Torquay Round)** ( ) :

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(38) (1951/ / ) (1950/ / )

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(1948) (%25)

(23) (33) " " (1)

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: Raj Bhala, International Trade Law, P 9

.180

(<sup>2</sup>) Raj Bhala, International Trade Law...p 9.

(%80) (38) (3)

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: Raj Bhala, International Trade Law, P 9.

.38

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.101-100

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(<sup>2</sup>)

.400

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(<sup>3</sup>)

**(Geneva Round)**

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(1951/ / /18)

(1956/ / )

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.<sup>(2)</sup> (1955)

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- Raj Bhala, International Trade :

.Law, p 9.

.400

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<sup>(1)</sup>(

<sup>(2)</sup>**(Dillon Round)** (     )     :

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(1962-1960)

(4400)

<sup>(3)</sup>     (4.9)

<sup>(4)</sup>

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103-102

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(<sup>1</sup>)

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(1979-1962) :2.1.2.1.1

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(Trade

Expansion Act)

(1967/ / /30) (%50)

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(1977)

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: 217

182



<sup>(1)</sup>(Kennedy Round) ( — ) :

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(1967)

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(1963/ / )

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|                  | (Tokyo Round) ( ) | :                |
| )                | (1973/ / )        |                  |
|                  | (1979/ /          |                  |
| . <sup>(1)</sup> | (1980/ / )        |                  |
|                  | " "               |                  |
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| (90)             | (102)             | — —              |
|                  | (2)               |                  |
| . <sup>(3)</sup> |                   |                  |
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| (1975)           |                   |                  |
|                  | (4)               |                  |
|                  |                   |                  |
|                  | .426              | : <sup>(1)</sup> |
|                  | .12               | : <sup>(2)</sup> |
| .187             |                   | : <sup>(3)</sup> |
|                  |                   | <sup>(4)</sup>   |

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<sup>(1)</sup>(1972/ / /15) "

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(<sup>1</sup>)

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(<sup>2</sup>)

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(<sup>3</sup>)

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(<sup>4</sup>)

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(Subsidies and Counter availing Measures )

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(<sup>1</sup>)

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: (<sup>2</sup>)

<http://www.america.gov> [www.wto.org](http://www.wto.org) :

(<sup>3</sup>)

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(2005-2000)

.14-13

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(Technical Barriers to Trade)  
(The Standards Code)

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.15-14

.43

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:(Import Licensing Procedures)

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:(Government Procurement)

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:(Anti Dumping)

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:(The Enabling Clause)

.49 :

.50-49 :

.28 :

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<sup>(1)</sup>(Generalized System of Preferences "GSP")

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<sup>(2)</sup>  
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(<sup>1</sup>)

(1968) ( )  
(1971/ / )

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.190-189 : (3)

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(<sup>1</sup>)

.367-362

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47-45

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.327-324

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(<sup>1</sup>)



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www.wto.org :

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**(The Uruguay Round)**

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59-57 (1)

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291-286

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(Full Package)

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(26) (87) (1986) (88) (117) (1994)  
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.234 : (1)  
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240-238  
38-37  
(2003) : (3)  
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.60-59

.32-31 : (2)

.61 : (3)

(1995) : (4)

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46

.296-295

[www.wtoarab.org.news/info](http://www.wtoarab.org.news/info) :

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[www.wto.org](http://www.wto.org)

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.130-129

.<sup>(1)</sup> (2005)

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(<sup>1</sup>)

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www.wtoarab.org.news/info

.60

(<sup>2</sup>)

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<sup>(1)</sup>

347-337

73-70

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68-67

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453-15

www.wto.org :



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[http://www.wtoarab.org/data1/d467757662cfep5\\_trade\\_policy\\_review.pdf](http://www.wtoarab.org/data1/d467757662cfep5_trade_policy_review.pdf)

.61 : (<sup>2</sup>)

.53 : (<sup>3</sup>)

334-333 : (<sup>4</sup>)

:(Gray Area Measures) ( )

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(<sup>1</sup>) راجع:  
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<sup>(1)</sup>(World Trade Organization "WTO")  
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[www.wto.org](http://www.wto.org) :

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[http://www.libyaforum.org/archive/index.php?option=com\\_content&task=view&id=4667&Itemid=242](http://www.libyaforum.org/archive/index.php?option=com_content&task=view&id=4667&Itemid=242)

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<http://huwu.org/ar/documents/charter> :

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www.aljazeera.net

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"Environment and Globalization" :

<sup>(4)</sup>

<http://www.globlization101.org>

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[www.wto.org](http://www.wto.org) :

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www.wto.org

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www.mincommerce.gov.dz

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www.mincommerce.gov.dz

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131-130

(<sup>2</sup>)

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(2001/ / /13-9)

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(2005/3/15)

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(2006/ /14)

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.www.clabnada.jeerar.com :

70

(2002/10/23/19 : 1423/8/17-13) (2)

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(2005/ 12/1426/ )

[www.commerce.gov.sa](http://www.commerce.gov.sa)

(<sup>1</sup>)

(2006/ /12)

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<http://commerce.gov.so/>

(<sup>2</sup>)

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<http://commerce.gov.sa/>

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(<sup>1</sup>)

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(<sup>2</sup>)

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(1998/1995)

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<http://iier.org/i/files/docs/21.pdf>

#### :4.3.2.1

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.94

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(<sup>1</sup>)

75-74

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. <http://www.commerce.gov.sa>

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(<sup>3</sup>)

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.75 : (1)

.76-75 : (2)

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<http://www.aps.dz/ar/page4.asp> "

#### :4.2.1

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#### :1.4.2.1

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64

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(<sup>1</sup>)

[www.wto.org](http://www.wto.org)

: (<sup>2</sup>)

(2006)

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(<sup>1</sup>)

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$$\cdot^{(1)}(\quad 4/9 \quad)$$

$$\cdot^{(2)}$$

$$\cdot(\quad 13 \quad)$$

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$$\cdot(\quad 5/9 \quad)$$

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www.wto.org :

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<sup>2</sup>( 1/6

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.416

:(<sup>1</sup>)

"Pascal Lamy" :

(<sup>2</sup>)

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(<sup>1</sup>)

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(<sup>2</sup>)

.109-108

424

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(<sup>3</sup>)

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www.wto.org :

### :5.4.2.1

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(<sup>1</sup>)

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[www.wto.org](http://www.wto.org)

(<sup>2</sup>)

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(1994-1986)

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.<sup>(1)</sup>(1947)

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.<sup>(2)</sup> (

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(2001)

.1403-1399

-Croley (Steven P.) & Jackson (John H.), Dispute Procedures,  
Standard of Review, and Deference to National Governments, AJIL,  
vol. 90, No.2, p. 193.

: (1947) (1)

40-39

534

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(Appellate Body)

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(<sup>2</sup>)

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(Satisfactory Settlement)

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. 367

(Arbitration Awards)

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.91 : (1)

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97-91

1584-1582

591-585

464-459

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1587-1584

113-97

370

470-464

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603-596

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(6/17) : (2)

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(Cross Relation)

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(22) : (2)

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J.H.Jakson, (1999), Dispute Settlement and the WTO, p.2, at : (1)  
<http://www.ksg.harvard.edu/workshopjackson.pdf>.

.362

16 )

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(7/3)

(8/3)

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388

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388-385

(2000/1/5)

.123-122

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<http://www.worldtradelaw.net/reports/gattpanels/gattpanels.asp>  
(301)

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(1859) (Edwin Drake) "

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(2003) : (1)

.28-27

.38-36 : (2)

.3 : (3)

www.almoqatel.com : (4)

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**:2.1.1.2**

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: <sup>(2)</sup>

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(1973/10/18)

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(1967)

.435-431

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12-9

(OAPEC)

(1973/11/9)

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<http://www1.umn.edu/humanrts/arabic.html>

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(Non-

Oil Power Exporting Communities "NOPEC")

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(2006/ /15) : (1)

-158 (2006/ /15)

.164

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.32-31 :

.58 : (3)



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(2005) : (1)

.11-10 ( )  
 145 ( . . ) :  
 .58-56 /http://www.yu.edu.jo :

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(<sup>1</sup>)

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.134-133

120-40

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105-104

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65-52

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576

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.135

.44-35

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.217

.(1)»

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(North American Free Trade Area "NAFTA")

(1993)

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136

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44 -35 ( )

105-104

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586

www.eslameno.com

.121-120

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(<sup>1</sup>)

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www.commerce.gov :

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www.commerce.gov : 15

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.88 41

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<sup>(1)</sup>

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.134 : (2)

132-131 : (3)

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(2009)

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<http://www.aawsat.com/leader.asp?section=3&article=24342&issueno=8102>

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:1.2.2.1.2

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(luxury tax)

(the gas guzzler tax)

the Cororate Average fuel )

(Economy Regulation(CAFE)

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(the super fund case) : -2

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(<sup>1</sup>)

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269-261

.122

: (<sup>2</sup>)

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<http://www.commerce.gov.sa/active/articles02.asp?print=true>



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(Gentlemen Agreement)

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|     | .12 | : | ( <sup>2</sup> ) |
|     | .31 | : | ( <sup>3</sup> ) |

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Natural )

(Recourses Based Products

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.135 : (1)

.135 : (2)

(2001) : (3)

(2001/ / /19)

.283-271

## (SONATRACH)

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(2009/ /8)

(<sup>1</sup>)

www.alawsatnews.com : 4 (2406)

(2008/ /11) : (<sup>2</sup>)

<http://www.aljazeera.net/NR/exeres/F49C00C4-263F-4830-> :

B0D6-54867795CB45.htm

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**:3.2.2.1.2**  
**(1994)**

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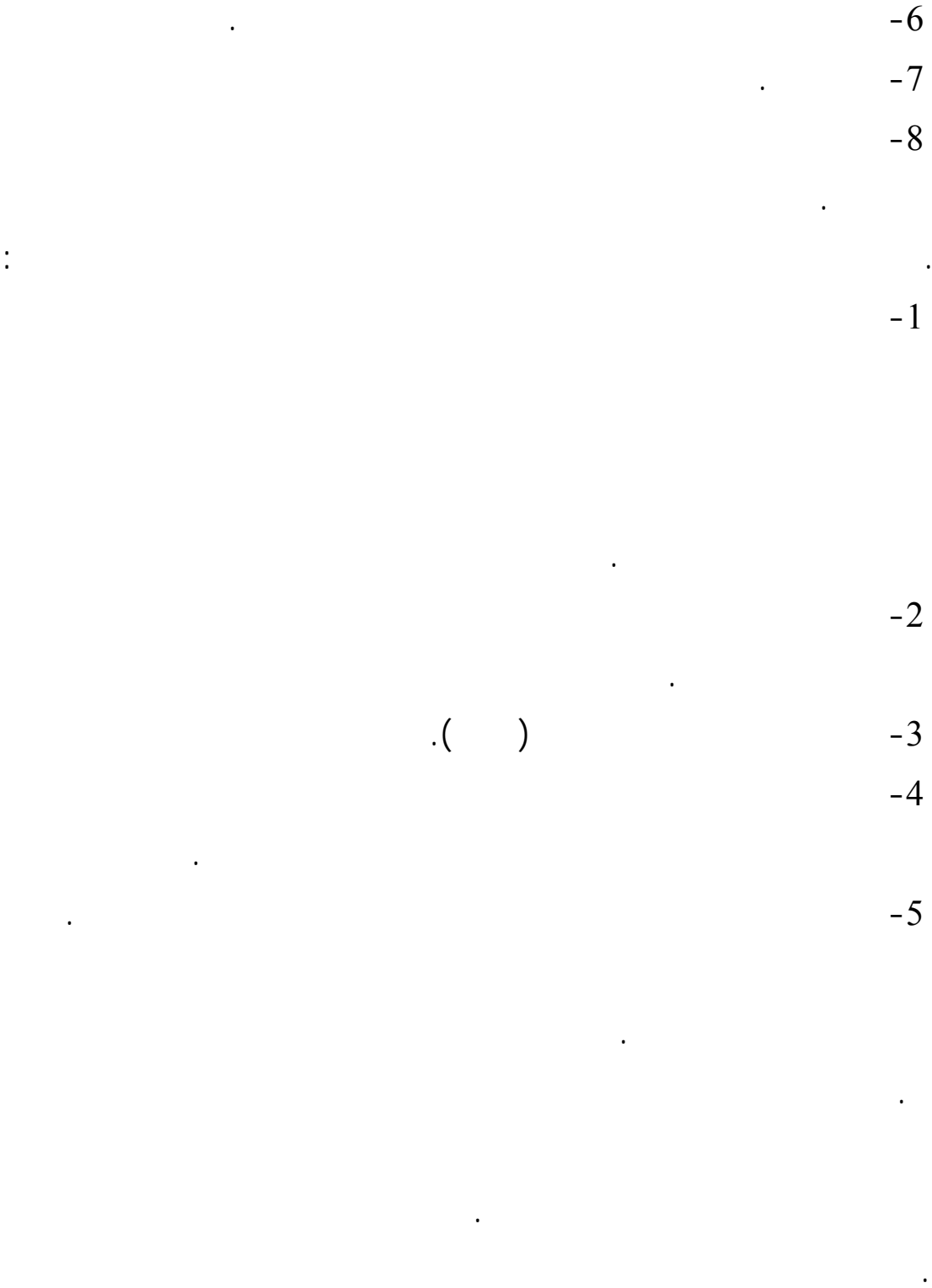
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.138

(<sup>1</sup>)





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(OPEC) ( ) :2.2

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## :1.2.2

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(1859) (Edwinl Drake)  
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(1981-1980) : (1)  
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(ESSO) (MOBIL)  
(Texaco) (Gulf) (Standard Oil of California)  
(British Petroleum)  
(Cit (Shell)  
Francaise De Pétrol, C.F.P)

.www.almoqatel.com :

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(1983) : (1)

12-11

.72-71

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" " ( . . ) : (3)

<http://www.yu.edu.jo> : 95

(1) ( )  
(1947)

(1949)

(1951)

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(1949)

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.473

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(<sup>1</sup>)

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## :2.1.2.2

(1959/ / )

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(1960/ / /9) " "(1)

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|               | (1980)      | : | ( <sup>1</sup> ) |
| .473          | 13          |   |                  |
|               | (1959/ /13) |   |                  |
| ( )           | (%8.65)     |   |                  |
|               | (%7.23)     |   |                  |
| (%6.93 %5.26) | (1960/ /9)  |   |                  |



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54-53

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(<sup>1</sup>)

65-64

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(<sup>2</sup>)

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.73 : (1)

239 : (2)

/http://www.opec.org :

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(<sup>1</sup>)

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www.almoqatel.com :

http://www.oapecorg.org/ar/default.htm :

www.wikipedia.com : (1)

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(States) (Countries) " " (3)



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(<sup>1</sup>)

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[http://207.5.77.24/QNAAr/Qatar/HH\\_The\\_Emire/Speeches/Pages/OpecKarakas.aspx](http://207.5.77.24/QNAAr/Qatar/HH_The_Emire/Speeches/Pages/OpecKarakas.aspx)

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-See: Melaku Geboye Desta, (2003), the Organization of Petroleum Exporting Countries ,the World Trade Organization and Regional trade Agreements, 37J World trade p (523-523), (describing the OPEC and WTO as tow "diametrically opposed" organization the WTO is focused heavily on market liberalization and access while OPEC is focused equally closely on intergovernmental manipulation of prices).(describing OPEC as a rare example of successful capital that exists to control the total oil output of member countries ).



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(The Organization of the Petroleum Exporting Countries  
"OPEC")

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(<sup>1</sup>) Article (41): this statute shall be applied from 1 May, 1965.

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(<sup>2</sup>)

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(<sup>3</sup>)

(<sup>4</sup>)

(<sup>5</sup>) Article (39) Amendments to this statute may be proposed by any member country. such proposed amendments shall be considered by the board of governors which, if it so decides shall recommend their adoption to the conference.

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www.Almoqatel.com :

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(<sup>4</sup>) See: Jeffrey P. Bialos, (1989), Oil imports and national security, the legal and policy framework for ensuring United States access to strategic resources UPA. J. Int'l Bus. L .,235-245.

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<sup>(2)</sup> Report from the Office of: Senator Frank R. Lautenberg. (2004), Busting up the Cartel: the WTO Case against OPEC available, and at: <http://lautenberg.senate.gov/documents/foreign/opec%20memo.pdf>

<sup>(3)</sup> Adenike.O Esan, Competition Law, the Legality of OPEC under US Antitrust Law and Competition Law, P 01-19, and at [http://www.dundee.ac.uk/cepmlp/car/html/car8\\_article11.pdf](http://www.dundee.ac.uk/cepmlp/car/html/car8_article11.pdf)

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(152) <http://www.oapecorg.org/ar/default.htm>  
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<http://www.oapecorg.org/ar/pub/monthlybulletin.htm>

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(<sup>3</sup>) Article (XI) General Elimination Of Quantitative Restrictions:

1-No prohibitions of restrictions other than duties, taxes on other changes, whether made effective through quotas import or export licenses or other measures, shall be instituted or maintained by any contracting party on the importation of any product of the territory of any other contracting party on the exportation or sale for export of any product destined for the territory of any other contracting party.

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(<sup>1</sup>) (OPEC has never been viewed Favorably by the American public: "In the public's perception, (OPEC) epitomizes a greedy, rapacious international cartel that preys on the American public in defiance of our one hundred and ten years tradition of market competition embodied in the Sherman act), Stephen A. Broome, (2006), Conflicting Obligations for Oil Exporting Nations? Satisfying Membership Requirements of Both OPEC and the WTO, 38 GEO. WASH. INT'L. REV, p409. and at <http://www.citba.org/pdf%20files/Vance%202006%202nd.pdf>

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(The Sherman Antitrust Act) (1890)

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-Spencer Weber Waller, (2002), Suing OPEC, P2. and at <http://www.luc.Edu/law/academics/special/center/antitrust/pdfs/opiec.pdf>

(<sup>1</sup>) صدر قانون شيرمان لمكافحة الاحتكار سنة (1890) حيث نص الباب الثاني من هذا القانون:

The Sherman Antitrust Act (1890): "Monopolizing Trade a Felony: penalty" Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several states, or with foreign nations, shall be deemed guilty of a felony and, on conviction there of, shall be punished by fine not exceeding \$ 10,000,000 if a corporation, or, if any other person, \$ 350,000, or by imprisonment not exceeding three. Or by both said punishments, in the discretion of the court". The Sherman Antitrust Act (1890), and at:

[http://www.globalcompetitionforum.org/regions/n\\_america/USA/us\\_saa.pdf](http://www.globalcompetitionforum.org/regions/n_america/USA/us_saa.pdf)

(<sup>2</sup>) انظر تفاصيل هذه القضية والقرارات الصادرة على المحاكم الأمريكية:

See; - International Association of Machinists and Aerospace Workers v. OPEC and Member Countries, 477 F. Supp. 553 (18 September 1979) and at <http://openjurist.org/649/f2d/1354>

-Spencer Weber Waller, Suing OPEC, p 6-9.

- Adenike o. Esan, Competition Law, The Legality of OPEC under US Antitrust law.

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-Spencer Weber Waller , Suing OPEC.

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- Prewitt Enterprises, Inc. v. Organization of the Petroleum Exporting Countries, United States District Court for the Northern District of Alabama, Southern Division, Civil Action Number Cv-00-W-0865-S (21/March/2001), and at:

<http://openjurist.org/353/f3d/916/prewitt-enterprises-inc-v-organization-of-petroleum-exporting-countries>

- Melaku Gebeye Desta, The Organization of Petroleum Exporting..., p542-543.

- Adenike o. Esan, Competition law.

(<sup>2</sup>) See: -Spencer Weber Waller, Suing OPEC. P 6-9.

Adenike o. Esan, Competition law.

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<sup>(1)</sup> See: Adenike o. Esan, Competition law.

<sup>(2)</sup> See: - E.g. Gas price Relief for Consumers Act of (2008). H.R.6074, 110th Cong, and at: <http://www.speaker.gov/legislation?id=0201>  
NO Oil producing and Exporting Cartels (NOPEC) Act of (2007), H.R. 2264, 110th cong, and at:  
<http://www.govtrack.us/congress/billtext.xpd?bill=h110-2264>

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<http://www.annabaa.org/nbanews/69/065.htm>

(<sup>2</sup>) Melaku Geboye Desta, The Organization of Petroleum Exporting Countries, p 547;

Spencer Weber Waller , Suing OPEC ( describing the public perception of OPEC within the united states as a "greedy, Rapacious international Caretel that preys on the American public"); see: Report from the Office of: Senator Frank R. Lautenberg, Busting up the Cartel.

- See: OPEC Accountability Act, (S. 2976), 110th cong.&2(2008) (including in it's findings that OPEC "has formed a cartel and engaged in anticompetitive practices to manipulate the price of oil, Keeping it artificially height ") at <http://www.loc.gov/>

- ترزيان، المدهش في تاريخ الأوبك، ص313.

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Representative Peter ( ) (2000)  
(DeFazio)

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<http://www.alaswaq.net/views/2007/05/29/8301.html>

(<sup>2</sup>) On (March/13/2000), DeFazio Introduced a Resolution that Urged President George w.Bush to " file complainant the world trade organization against oil-producing countries for violating trade rules that prohibit quantitative limitations on the import or export of resources or products across borders." H.R. Con. Res, 76, 106th cong (2000). on (January/31/2001), DeFazio Wrote a letter to President George Bush Urging his Administration "to file a Case at the WTO Against OPEC Countries....That have Colluded to set Production Levels." Letter from Peter DeFazio, U.S Representative, to George w.Bush, President (Jan/31/2001), available at <http://www.whouse.gov/defazio/013101EG Letter.html>.

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(<sup>1</sup>) See: Generally Office of Senator Frank. R. Lautenberg , Busting up the Cartel the WTO, (Arguing that OPEC is Violating it's CATT/WTO Obligations and that none of the Exceptions Apply).

(<sup>2</sup>) See: Lautenberg Report, Busting up the Carte, (Proposing that WTO dispute settlement proceedings be ignited against OPEC member countries for violating the GATT Articles XI prohibition on quantitative Export restrictions, and finding no justification for OPEC'S policies among the GATT specific exceptions to article XI, general exceptions under Article XX, or separate protections for national security and developing nations).

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- Press Release of Senator Lautenberg, (8/07/2004) and at:  
<http://lautenberg.senate.gov/newsroom/record.cfm?>

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- See: Generally Office of Senator Frank R. Lautenberg, Busting up the  
Cartel.

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(<sup>1</sup>) See: Generally Office of Senator Frank R. Lautenberg, Busting up the Cartel., (A WTO Case against the six WTO members of OPEC could have immediate, large and lasting benefits to the US consumer and economy by driving dawn oil and gas prices ).

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<http://www.oapecorg.org/ar/pub/sgar.htm>

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<sup>(1)</sup> See: (S.752), 109th Congress (April 11, 2005), OPEC Accountability Act. (...Six number nations OPEC, Indonesia, Kuwait, Nigeria, Qatar, the United Arab Emirates and Venezuela-are also members of the world trade organization) The agreement among OPEC member nations to limit oil exports is an illegal prohibition or restriction on the expectation or sale for export of a product under (XI) of the GATT. (1994). The export quotas and resulting high prices harm American families, undermine the American economy, impede American and foreign commerce, and are contrary to the national interests of the united states, library of congress [www.loc.gov](http://www.loc.gov)

<sup>(2)</sup> See: press release of senator Lautenberg, 12/12/2005;Press release of senator Lautenberg, 11/10/2006:  
<http://Lautenberg.senate.gov/newsroom/record.cfm?>

<sup>(3)</sup> See: - (S.2964). IS. 110th Congress (2007/2008), OPEC Accountability Act; - (S.2976). IS.110th Congress (2007-2008), OPEC Accountability <http://www.loc.gov>

[www.loc.gov](http://www.loc.gov) : <sup>(4)</sup>

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(This submission is made to the respected Panel on behalf the United State of America (the Complainant) against Angola, Saudi Arabia, Ecuador, Indonesia, Kuwait, Nigeria, Qatar, United Arab of Emirates, and Venezuela (jointly the Respondent) to find that Oil production quotas operated by the Respondent pursuant to its obligations as the OPEC member state violate it obligations under GATT Article (XI) are not justified by the exception clauses of GATT Article (XX) and issue recommendations to bring the measure into conformity with the GATT (1994).), See: Submission to the Dispute Settlement Panel on Behalf of the United States of America Angola, Saudi Arabia ,Ecuador, Indonesia, Kuwait, Nigeria, Qatar, United Arab of emirates, and Venezuela, USTR, Washington, D.C, (September /10 /2008), Available at: [www.nationalchengchiuniversity.htm](http://www.nationalchengchiuniversity.htm)

.(1994) (1)

-Desta Melaku Geboye, Organization of Petroleum, p525-526.

(2) See: Submission to the Dispute Settlement Panel on Behalf, USTR.

(3) Desta Melaku Geboye, Organization of Petroleum, p523, (Describing the OPEC and the WTO as two "diametrically opposed" organization; the WTO is focused heavily on market liberalization and access while OPEC is focused heavily closely on market liberalization and access

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while OPEC is focused equally closely on intergovernmental manipulation of prices).

(<sup>1</sup>) Economic Growth Rates (2007-2008 %): World (5.3-4.7), OECD (2.7-2.1), US (2.3-1.8), Japan (2.0-1.5), Euro-zone (2.6-1.9), China (11.5-9.9), India (8.5-8), See: Submission to the Dispute Settlement Panel, USTR.



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See: - Carey. Tim, (2008-2009), Comment Cartel Price Controls VS. free Trade: A Study of Proposals to Challenge OPEC's Influence in the Oil Market Through ,WTO Dispute Settlement, HeinOnline--24Am. U. Int'lL. Rev. p793.

- Melaku Gebeye Desta, the Organization, of Petroleum Exporting Countries, p 524 -525.

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<sup>(1)</sup> (..Moreover, the respondents regulation of oil prices with help of production resection or setting up minimum price thresholds also constitute prohibited quantitative restriction OPEC used to have formula according to with production costs would be automatically triggered by changes in prices, according to the economist magazine (20/april/2000) "if the price of basket of seven OPEC crude stays below 822 for such period ,it will raise production by the same amount."), See: Submission to the Dispute Settlement Panel, USTR.

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<sup>(2)</sup> See: Stephan A. Broome, Conflicion Obligation for Oil Exporting Nations, p 413-414.  
 Basher h. Malkawi, (2009), Suing the Organization of Petroleum Exporting Countries at the WTO, P 9.

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<sup>(1)</sup> See: generally Appellate Body Report, Japan-Taxes on Alcoholic Beverages, WT/DS11/AB/R, at 15 (oct/4/1996) [hereinafter taxes on Alcoholic Beverages]; Panel Report, Japan Trade in Semi-conductors (L/6309) (May/4/1988 ), GATT B.I.S.D (35th Supp) at 152-153 (1989) [hereinafter Trade in Semiconductors];

<http://www.worldtradelaw.net/reports/gattpanels/gattpanels.asp>

<sup>(2)</sup> Report of the Panel, Japan, Trade in Semi-conductors (L/6309) (May/4/1988), GATT B.I.S.D (35TH Sapp) at 116-162 (1989) [hereinafter Japan-Trade in Semi-conductors] and at:

<http://www.worldtradelaw.net/reports/gattpanels/gattpanels.asp>

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(<sup>1</sup>) See: - Stephan A. Broome, Conflicting Obligation for Oil Exporting, p 416-419.

- Bashar H. Malkawi, Suing the Organization of Petroleum, p 10-11.

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(<sup>2</sup>) Article (XI/1): "...No prohibitions or restrictions other than duties taxes or other charges whether made effective through quotas import or export licenses or other measures..." General Agreement on Tariffs and Trade, (1994).

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(<sup>2</sup>) See: -Stephen A. Broome, Conflicting Obligations for oil Exporting p 414 – 434;

-Bashar H. Malkawi, Suing the Organization of Petroleum, p8-17.

-Bashar H. Malkawi, (2009), Disciplining the Oil Cartel: Limits of the WTO in a Case Against the Organization of Petroleum Exporting Countries EBLR, p940- 946.

-Melaku Geboye Desta, The Organization of Petroleum, p535 – 538.

- Carey Tim, Cartel Price Controls VS free Trade, p799- 805.

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- (<sup>2</sup>) Article (XX) General Exceptions: "Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail or a disguised restriction on international trade nothing in this agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures ...".
- (<sup>1</sup>) Article (XX "g") "...relating to the conservation of the exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption.".

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- United State-import Prohibition of Shrimp and Shim Products, Report to of the Appellate Body (WT/DS58/AB/R), (12/October/1998), (Reaching a conclusion on whether natural resources and in concluding that they are not implicitly holding that petroleum is a classic example of an exhaustible natural resource under article XX).

<http://www.worldtradelaw.net/reports/gattpanels/gattpanels.asp>

(<sup>1</sup>) See: - Generally office of Senator Frank r. Lautenberg, Busting UP the Cartel;

- Submission to the Dispute Settlement Panel, USTR.

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<sup>(1)</sup> See: Panel Report, Canada–Measures Affecting Exports of Unprocessed Herring and Salmon, (35/S/98) (Nov/20/1987),

<http://www.worldtradelaw.net/reports/gattpanels/gattpanels.asp>

<sup>(2)</sup> See: Melaku Geboye Desta, the organization of Petroleum Exporting p539.

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See: Melaku Geboye Desta. The Organization of Petroleum Exporting  
p544-546.

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<sup>(1)</sup> See: Article (XX/I) General Agreement on Tariffs and Trade (1994);  
See Cary Tim, Cartel price Controls VS., p805; Basher H. Malkawi,  
Suing the Organization of Petroleum, p 14-15.

<sup>(1)</sup> See: Article (XIII) General Agreement on Tariffs and Trade (1994).



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(<sup>2</sup>) See: Basher H. Malkawi, Suing the Organization Exporting Countries, p14.

(<sup>3</sup>) Article (XX/h): undertaken in pursuance of obligations under any intergovernmental commodity agreement which conforms to criteria submitted to the CONTRACTING PARTIES and not disapproved by them or which is itself so submitted and not so disapproved.

(<sup>4</sup>) See: Generally office of Senator Frank R. Lautenberg, Busting Up the Cartel; Submission to the Dispute Settlement, USTR.

(<sup>1</sup>) See: Basher H. Malkawi, Disciplining the Oil Cartel... p 943-944.

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<sup>(1)</sup> See: Article (XXI) General Agreement on Tariffs and Trade (1994).

<sup>(2)</sup> Article XXI “security exception” nothing in this agreement shall be construed to prevent t any contracting party from taking any action which it considers necessary for the protection of its essential security interests:

taken in time of war or other emergency in international relations

<sup>(3)</sup> Basher H. Malkawi, Suing the Organization of Petroleum, p15-16.

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(<sup>1</sup>) See: Stephan A. Broome, Conflicting Obligation for Oil Exporting Countries, p 431.

(<sup>2</sup>)

Malkawi ,Basher H. Suing the Organization :  
of Petroleum, p15.

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(<sup>3</sup>) See: Stephan A, Broome, Conflicting Obligation for Oil Exporting Countries, p430.

(<sup>4</sup>) See: Stephan A. Broome , Conflicting Obligation, p 431.

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(<sup>1</sup>) See: Stephan A. Broome, Conflicting Obligation for Oil Exporting, p433-434.

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[http://members.multimania.nl/kirkukcity/EH\\_arabic.pdf](http://members.multimania.nl/kirkukcity/EH_arabic.pdf) :

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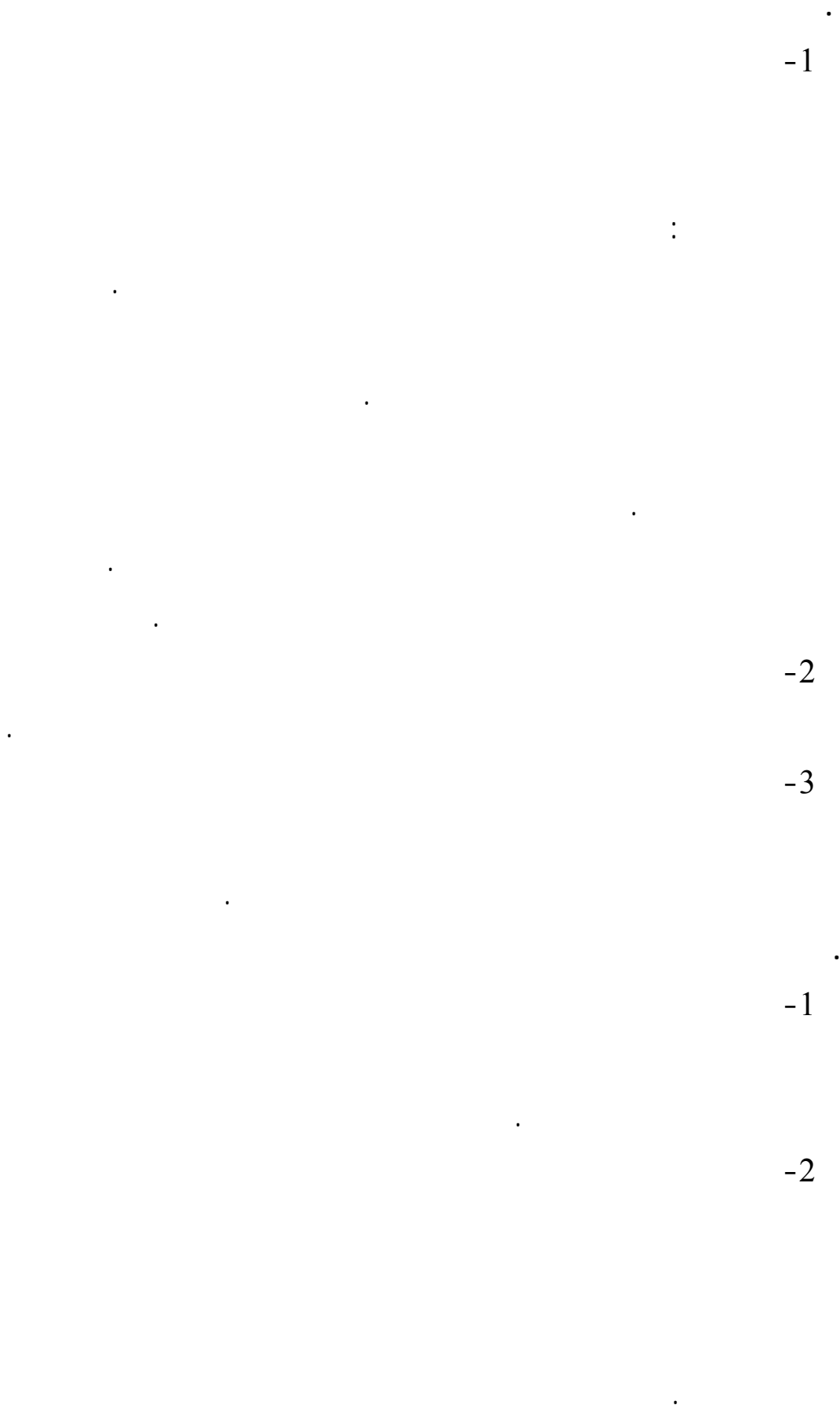
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